



Lamoine Board of Selectmen

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Minutes of June 30, 2011

Chair Jo Cooper called the meeting to order at 6:45 PM

Present were: Selectmen Cynthia Donaldson, William Brann, Gary McFarland, Richard Fennelly Jr., S. Josephine Cooper; Administrative Assistant Stu Marckoon, Deputy CEO/Assessor/Road Commissioner Michael Jordan, Assessor Jane Fowler, Planning Board Chair, Town Clerk Jennifer Kovacs, and two applicants for the position of Cable TV Operations Manager (arrived after first executive session).

Executive Session – Jo moved to enter executive session pursuant to 1MRSA §405(6)(a) for a personnel matter. Gary 2nd. **Vote in favor was 5-0 at 6:45 PM, out at 7:11 PM**

Agenda Review – No changes were made to the printed agenda or addendum

Minutes of June 16, 2011 – Richard said there were some minor typos, and Cynthia said she had one. There was a brief discussion about David Herrick's removal from being present at the June 2, 2011 meeting. Cynthia moved to approve the minutes as corrected. Richard 2nd. **Vote in favor was 4-0 (Cooper abstained).**

Expenditure Warrant 25 – Selectmen signed expenditure warrant 25 for \$64,399.78. Stu noted that the school tuition payment for the year was included, and the town appropriated \$30,000 and there was an account payable from the previous year which was included in the school warrants. He said the auditors would have to figure that one out. He also noted the bill for removal of the garden at Lamoine Beach was on the warrant, a project completed in early May prior to the order freezing the Parks Budget to normal maintenance operations.

Expenditure Warrant 1 – Stu said this warrant is the first for the next fiscal year, including the social service agency appropriations, some dues, the shellfish program, and the first health insurance premium.

Cash & Budget Report – Richard noted that two expenditure lines were fixed, tuition and the fire truck payment. Stu said that's because both were included on warrant 25. Richard noted that Planning, Paving and Public Safety show significant expenditure balances. Stu reported the upcoming encumbrance order will take care of paving and fire, and the Planning Board expenses have largely been taken care of by developers reimbursing for postage and advertising.

Cynthia said the issue of investment interest revenue should be revisited at budget time. Stu said the final interest receipt for FY 11 has not come in yet.

Encumbrance Order – Stu explained that the order sets aside money for road projects that were approved but not completed, paving both Asa's Lane and the Town Hall Parking Lot, and an airpack for the fire department. Jo moved to approve the order, Gary 2nd. **Vote in favor was 5-0, Selectmen signed the order.**

Property Tax Rate – Stu reported that the preliminary figures for the budgets approved by the town meeting, RSU and county should mean no increase in the tax rate from last year. Assessor Jane Fowler said the Board of Assessors get a lot of credit for that.

Mileage Rate – Stu reported the IRS upped its mileage reimbursement effective July 1, 2011 to .555/mile, which alters the hybrid rate to \$0.50/mile. Cynthia asked if the state rate remained unchanged since 2009. Stu reported that was accurate. Jo moved to approve the mileage rate for FY 2012 to be \$0.50/mile. Richard 2nd. **Vote in favor was 5-0, Selectmen signed the order.**

Appointments – Road Commissioner – Jo moved to appoint Stu Marckoon as Road Commissioner. Richard 2nd. Stu said he would accept the position on an interim basis, but would like to advertise for a replacement soon. **Vote in favor was 5-0.**

Deputy Code Enforcement Officer, Deputy Local Plumbing Inspector, Deputy Building Inspector – The Board took no action other than to suggest tabling appointments until later in the meeting.

Conservation Commissioner – Jo moved to appoint Lawrence Libby to a 3-year term as a full Conservation Commissioner. Gary 2nd. **Vote in Favor was 5-0.** A brief discussion followed regarding alternate positions.

Resignation of Michael Jordan as Planning Board Alternate – Richard noted that the letter e-mailed to the Selectmen indicated that Mr. Jordan wished to resign from all positions except the elected Assessor's position. Mr. Jordan noted that his Planning Board appointment runs until June 2012, but the other positions he holds expire this evening. Jo moved to accept Mr. Jordan's resignation. Cynthia 2nd. **Vote was 0 in favor, 5 opposed.**

Commendations for Service – Selectmen signed certificates commending Fred Stocking and David Schick for their service on the Conservation Commission and Merle Bragdon for his service on the Appeals Board. Jo suggested that something special be done for Mr. Stocking who was one of the original backers of the Conservation Commission. A brief discussion followed.

Selectmen also noted with sadness the passing of former Planning Board member Michael Garrett on June 21st, as well as the passing of former town treasurer Liston Grant, also on June 21st.

Appointments Revisited – Mr. Jordan said the Board still has to act tonight on his resignations from the other positions to which he was appointed. John Holt asked if there was a vote to table. Jo said there was not, and moved to table the appointments until later in the meeting, following an executive session. Cynthia 2nd. **Vote in favor was 5-0.**

Special Town Meeting Date – Stu noted that an overdraft in the Parks budget for FY 2011, an additional appropriation in the Administration Budget for health insurance during FY 2012, the commercial trash hauler policy change and possible changes to the Regional Shellfish ordinance would be agenda items. After a brief discussion, Jo moved to try to schedule a special meeting on September 15, 2011. Gary 2nd. **Vote in favor was 5-0.**

Trash and Recycling Transportation Contract – Jo moved to sign the 5-year contract with Pine Tree Waste. Cynthia 2nd. **Vote in favor was 5-0, the contract was signed.** A short discussion followed on the solid waste budget.

Town Hall Project Bids – Selectmen opened the following bids:

Bidder	Overhang	Message Board	Trim Painting
Kermit Theall*	\$3,300.00	\$200.00	
James Helma**	\$353.69	\$67.79	\$1,347.13
Harville Paint***	\$1,925.00	525.00	\$2,150.00

*Does not include painting – to be done by J. Helma

**Does not include construction – to be done by K. Theall

***If all awarded, package would be discounted to \$4,400.00

After discussion of the various options, Jo moved to award the overhang project to Harville Painting for \$1,925.00, the message board project to Kermit Theall and James Helma for a total of \$267.79, and the trim painting project to James Helma for \$1,347.13. Richard 2nd. **Vote in favor was 5-0.**

Request to Reopen the Cable TV Franchise Agreement – Stu said he put an e-mail message from a Wolf Run resident requesting that that town reopen the Cable TV Franchise agreement with Time Warner, but he's not sure if Time Warner would be willing to do so. Jo said it couldn't hurt to ask. Cynthia moved to approach Time Warner with such a request. Jo 2nd. **Vote in favor was 5-0.**

Personnel Contract – Insurance Benefit – This matter will be discussed in Executive Session.

Code Enforcement Officer's Job Description – Stu reported the concern that CEO Dennis Ford has with the job description contained in the contract. Selectmen said they would like to have Mr. Ford present. By acclaim, this matter was tabled until the next meeting on July 14, 2011. A very brief discussion followed on the requirements for septic system inspections.

Lamoine Quarterly – Stu said it has been too busy in the office to complete writing the Quarterly, but he would endeavor to get it done in the next few days.

Next Meetings – The Selectmen will meet next on July 14, 2011, August 11, 2011, September 1, 2011 and after a special town meeting on September 15, 2011.

Legal Matters – Gott v. Town of Lamoine – There was a discussion on who and how to respond to a Superior Court appeal of a Planning and Appeals Board decision by Doug Gott & Sons, Inc. The Board suggested the case be referred to Town Attorney Tony Beardsley. Stu asked if there was a preference on what direction to give him to respond. Cynthia said she would presume that he would back the decisions of the two boards. Richard said he was not sure of all the aspects of the case.

Jo moved to authorize Stu to contact the town attorney to respond to the filing. Gary 2nd. Cynthia said she was aghast by the work on the Goodwin case and asked if the board was trying to give some direction. Richard said the Board should review a draft. Planning Board chair John Holt said there is no time, as the town has to have a written response within 20-days. He asked if the town is willing to defend the actions of its Planning and Appeals Boards. He said he hoped the town would say that.

Richard asked if there was any sense as to how expensive this would be. Mr. Holt said he had no clue. He said courts tend to support local boards, and he hopes this won't last long. Richard said he would recommend that attorney Beardsley defends the town against the suit. Jo said she doesn't have much knowledge about the case, but she would favor supporting the Appeals Board decision. Richard said he didn't have time to look at the suit. Mr. Holt summarized the case, saying it had to do with expansion of a gravel pit onto a piece of property that abuts three residences. A short discussion followed.

Mr. Holt said the burden is on the appellant to show that such an activity would not adversely affect the abutting land owners. Richard asked if the proposal did not include setbacks. Mr. Holt said there are 50-foot setbacks. He said the appellant has already taken down trees. Jo said she would like to add to her motion that the town attorney defend the Appeals Board position. Cynthia 2nd. **Vote in favor was 5-0.**

Old Point Inc. v. Town of Lamoine – Stu said this case involves the Board of Assessors and was apparently filed with the Board of Property Tax Review. Cynthia asked if the town has to respond. Board of Assessors chair Jane Fowler said not yet. She said this case should properly go before the County Commissioners. She briefly reviewed the case, and said it's not a tree growth issue but a valuation issue. More discussion about the case followed.

Prepaid Heating Oil Offer – Stu reported that No Frills Oil was offering pre-paid oil at \$3.299/gallon. Richard asked if there was any deadline for accepting a pre-paid offer. Stu said no, unless the town wants to pay \$3.299. Richard said he believed that if the town waits, the prices will fall some more. There was a consensus to wait until August to purchase heating oil for the winter.

Mileage Submission – Stu said he had a question on whether the MUBEC (Maine Uniform Building & Energy Code) classes attended by Michael Jordan should be reimbursed. Cynthia asked about the training policy Mr. Jordan said the town has not voted on whether it will enforce MUBEC, and if the Building and Land Use Ordinance is not changed, it will have to be enforced. A lengthy discussion followed.

Jo moved to pay the entire mileage submission by Mr. Jordan. Cynthia said she would still like to check on the policy. Richard 2nd. **Vote on favor was 5-0.**

Executive Session – Jo moved to enter executive session pursuant to 1MRSA §405(6)(a) for personnel matters, including matters relating to the Town Clerk, Deputy Code Enforcement, and interviewing applicants for the Cable TV Operations Manager job. Cynthia 2nd. **Vote in favor was 5-0. In at 8:25 PM Out at 9:40 PM**

Appointments – Jo moved to appoint Michael Jordan as the Deputy Code Enforcement Officer, Deputy Plumbing Inspector and Deputy Building Inspector. Cynthia 2nd. **Vote in favor was 5-0.** Mr. Jordan said he would accept the positions.

Update re: clam flat pollution – Richard gave an update on the situation in Martin's Cove, and said the town will need to deal with the problem. He said at least part of the problem is in Lamoine. He said there is a joint board meeting next Thursday, and the matter is on the agenda. He said filtration or fencing are possible solutions.

Cable TV Operations Manager – Jo moved to offer the position of Cable TV Operations manager to Kimberly Grindle, and to ask Gregory Spring to be involved with the Cable TV committee. Richard 2nd. **Vote in favor was 5-0.**

Contract with Jennifer Kovacs – Jo moved to sign the contract as proposed with Jennifer Kovacs with the understanding that it could be revisited if necessary. Richard 2nd. **Vote in favor was 5-0. Selectmen signed the contract.**

There being no further business, the meeting adjourned at 9:50 PM

Respectfully submitted,

Stu Marckoon, Adm. Asst. to the Selectmen